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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J.SADASHIVA

WRIT PETITION NO. 14975/1994

BETWEEN:

Sri K.Kalegowda s/o
Thippe Channegowda,
aged about 67 years,
r/a Anchebeedi,
Kallahalli Extension,
Mandyā Tq., Mandyā,
Mandyā Dist.,

.. Petitioner

(By Sri B.M.Krishna Bhat, Adv.,)

AND:

1. The Assistant Commissioner,
Mandyā Sub-Division,
Mandyā, Mandyā Dist.,

2. The Tahsildar, Mandyā,
Mandyā Tq., Mandyā,
Mandyā Dist.,

3. Smt.Sudha Kom Shivanna,
major, Kallahalli Village,
In front of Masanammana Temple,
Kallahalli, Mandyā, Mandyā Tq.,
Mandyā Dist., .. Respondents

(By Sri M.Sivappa, Adv., for R3;
Sri K.Nagaraja, HCGP, for R1 & 2)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to quash the order of the R-1 dated 17-8-1993 vide Annexure 'A' and etc.,

This Writ Petition coming on for preliminary hearing this day, the Court made the following :-

O R D E R

Sri.K.Nagaraja, the learned HCGP, is directed to take notice for respondents 1 and 2 and the petition is heard on merits and disposed of by this order, with the consent of the learned Counsel appearing on both the sides.

2. This petition is liable to be dismissed for suppression of material facts as has been done by the Assistant Commissioner in the impugned order. It is seen from the impugned order that the mutation in favour of third respondent was challenged by the petitioner in another Appeal No.R.Mis.43/89-90 before the Asst.Commissioner and the same was dismissed. Suppressing the said fact, the petitioner filed R.Mis. 19/1993-94 and the same was dismissed on the ground that the petitioner did not come to the Court with clean hands besides the earlier order operates as a



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bar for exercising the appellate jurisdiction once again in respect of the same order. I find no legal infirmity in the impugned order. The petition, therefore, fails and accordingly rejected.

However, it is made clear that these orders would not operate as a bar for the Civil Court to decide the pending Suit between the parties and the Civil Court should decide the Suit purely on the basis of the evidence produced by the parties without being influenced by any observation or finding recorded by the Assistant Commissioner in the impugned order.

3. Sri.K.Nagaraja, the learned HCGP, is permitted to file memo of appearance within four weeks.

Sd/-
JUDGE

ckl/4498